Disclaimer
These reports reflect research done by students at HLS in the Fall of 2011, and are based on secondary sources, as noted in each report. While we believe the information reflected in the reports to be true, the information has not been independently verified, and the reports are not meant to be complete with respect to any particular topic, and particularly as regards the legal system in its entirety, or in political or constitutional context. Readers should also recognize that terminology may vary from country to country, which may make naive comparisons misleading. For example, the concept of a “lawyer” varies from country to country, and data on “lawyers” may include practicing and non-practicing attorneys. No one should rely on the information contained in the reports for any purpose.
<table>
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<th><strong>India</strong></th>
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<td><strong>Legal Education</strong></td>
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| **Structure of legal education** | While India had a few schools that taught law at the time of its independence in 1947, the number of law schools has increased since then in line with growing importance of rule of law and the newly formed democratic government.\(^1\)  
  
Legal education in India is regulated by the Bar Council of India, which is a statutory body constituted under the Advocates Act of 1961. There are two ways to obtain the degree to practice law and enroll with the Bar Council of India: (1) a 3-year LL.B. program which requires a prior undergraduate degree and (2) a 5-year integrated B.A., LL.B. program which can commence immediately after secondary school. Some universities offer both the five-year and the three-year degree programs.\(^2\)  
  
Traditionally, students enrolled in a 3-year program after obtaining a bachelor’s degree from a recognized institution. However, around 1985, the first law university offering a 5-year integrated B.A. LL.B. program called National Law School of India University (“NLSIU”) was set up. Universities similar to NLSIU have been set up in several states in India. Until recently, each university had its own entrance exam for selection of students. However, in 2008, a common entrance exam for such universities was introduced (the Common Law Admission Test (CLAT)), which covers knowledge in law, analytical reasoning, current events, Indian policy and economy among others. For the 3-year program, different universities follow their own criteria – a combination of grades and testing.\(^3\) |
| **Typical age of starting lawyer** | The Advocates Act stipulates that one must be at least 21 years old to become an enrolled advocate.\(^4\) The 5-year program has the upper age limit of 20 years old, but for the disadvantaged classes known as the Scheduled Castes (SC) and Scheduled Tribes (ST) the age limit is 22 years old.\(^5\) Therefore, people usually begin the 5-year program at 18 years old, and graduate and are admitted to the bar by 23. |
| **Status hierarchy of law schools** | As of April 2010, there were 900 law colleges in India that offered legal education and were recognized by the Bar Council of India. Some of these law schools are university schools, while others are private or |
Government-owned law colleges affiliated to a university.\textsuperscript{vi}

The premier law institutes are National Law School of India University (NLSIU, Bangalore), NALSAR University of Law (Hyderabad) and the WB National University of Juridical Sciences (NUJS, Kolkata).\textsuperscript{vii} One indication of the hierarchy of law schools in India is the choice made by prospective law students following the declaration of the CLAT results. In 2011, NLSIU, Bangalore topped preferences among successful candidates.\textsuperscript{viii}

Older law schools such as Government Law College (Mumbai), Indian Law Society (Pune) and Law Faculty (Delhi) are also reputed but are not part of the CLAT.

The \textit{India Today}, a popular Indian periodical, carries out an annual survey of law schools in India. In 2008, NALSAR (Hyderabad) was at the top of the list, replacing the usual number one NLSIU (Bangalore).\textsuperscript{ix} Other periodicals, such as Outlook, also carry out their own surveys of law schools in India. However, these rankings have been the subject of some criticism.\textsuperscript{x}

### Rough size of top law schools

The following are the class size of the LLB programs at major law institutes: NLSIU (80)\textsuperscript{xii} and NALSAR Hyderabad (70).\textsuperscript{xii} On an average most universities accept about 200 students a year for the 5-year program.\textsuperscript{xiii}

### How professional (vs. academic) is the law degree?

Teachers in most national law schools are full time law professors with little or no practical experience. Conversely, teachers in some law schools like the Government Law College (Mumbai) are almost exclusively part-time professors drawn from the bar. Most elite law schools follow a theoretical approach, sometimes with clinical training opportunities. The Law Commission of India has suggested the introduction of the “problem method” on a more universal basis with a greater practical emphasis.\textsuperscript{xiv} The Bar Council of India prescribes certain mandatory clinical courses, such as drafting of pleadings, legal aid clinics, moot courts etc. In 2001, NLSIU designed a new curriculum based on the MacCrate Report (a report on American legal education prepared by the American Bar Association; suggests mandatory externships with government agencies, judges, and clinics) and the Harvard curriculum.\textsuperscript{xv}
### Professional regulation: basic licensing

Under the Advocates Act 1961, only advocates enrolled in India are entitled to ‘practice the profession of law’ -- which includes not only appearing before courts and giving legal advice as an attorney, but also drafting legal documents, advising clients on international standards and carrying out customary practices and transactions.\(^{\text{xvi}}\)

The Advocates Act distinguishes between two types of advocates--senior advocates and advocates. A senior advocate is designated by the Supreme Court or any High Court based on his ability or special knowledge.\(^{\text{xvii}}\) However, in order to ‘file an appearance’ before the Supreme Court of India, one must be an ‘advocate-on-record’ or be instructed by an advocate-on-record.\(^{\text{xviii}}\) To be eligible to qualify as an advocate-on-record, a one-year training contract with an advocate-on-record needs to be completed, besides passing prescribed tests.\(^{\text{xix}}\)

At the federal level, the Bar Council of India performs oversight functions and lays down standards of professional conduct, recognizes universities whose degrees qualify for enrollment etc. Typically, each state has its own Bar Council which regulates the admission and removal of names from its rolls. Enrollment with a State Bar Council as an ‘advocate’ renders a lawyer eligible to practice before all courts and tribunals in India.\(^{\text{xx}}\) The procurement of the LL.B. degree followed by passing of the bar exam will qualify a person for enrollment, upon the payment of an enrollment fee.

The dual-system of classification between solicitors and attorneys was abolished in the 1970, but the Bombay Incorporated Law Society (an association) still conducts examinations for persons who wish to qualify as solicitors, upon the completion of a three year training period in a solicitor’s office as an ‘article clerk’ and the passing of a solicitors’ exam.\(^{\text{xxi}}\)

### Length of study for license

In 2010, the Bar Council of India introduced a requirement pursuant to which law graduates are required to pass the “All India Bar Examination” in order to be entitled to practice law in India.\(^{\text{xxii}}\)

### Lawyers per population and lawyers per working population

India has the second largest number of lawyers in the world next only to USA.\(^{\text{xxiii}}\) The number of lawyers in India is estimated to be approximately one million, with the law schools of India graduating another 80,000 each year.\(^{\text{xxiv}}\) However, its per capita figure is a fifth compared...
### Law Firms

| Law practice basics: Size of law firms? | Since the Indian Partnership Act, 1932 limits the number of partners to 20, large law firms were not very common in India. It is understood that large law firms with more than 20 partners exist by virtue of multi-tiered partnership structures. The size of law firms ranges from 20 to ~450 lawyers. However, the recently passed Limited Liability Partnership Bill (LLP Bill) in 2008 has introduced the system of limited liability partnerships to India with no upper limit on number of partners. |
| Share of lawyers employed in top law firms | Lawyers do not seem to be heavily concentrated in India given the large number of small-size firms. In 2010, according to a directory of law firms published by India Business Law Journal, there were ~30 law firms with fewer than 100 lawyers and only 8 law firms with more than 100 lawyers. The largest firm was Amarchand & Mangaldas & Suresh A Shroff & Co with 470 lawyers. |
| Profitability of law firms | In 2007, law firms were expected to have recorded a revenue growth of 30% to 40% as against revenues in 2006. While official revenue figures are hard to come by, an article in the Economic Times in April 2007 revealed that the managing partners of two prominent Indian law firms were amongst the highest individual tax payers in the state. |
| Leverage of law firms | Leverage varies depending on the size of the firm; smaller firms tend to be less leveraged. The 3 largest firms (Amarchand, AZB and FoxMandal Little) each had a ratio of associates to partners of 9, 12 and 7. |
| Law firm retirement age | Largely due to the ‘one family runs all’ setup of law firms in India, there is no typical retirement age. |
| Law firm governance | Large firms usually have equity and non-equity partners, with managing partners at the helm. Many law firms are family run, with fewer prospects of making partner. |
| Foreign law firms | While foreign lawyers are not permitted to practice law in India, they may appear in court for specific cases if they have obtained special permission from the court. However, with the passing of the Limited Liability Partnership (LLP) Bill in 2008, Indian law firms would be able to form an LLP and have no limit on the number of partners in a practice. There may be further secondary regulations that allow foreign law firms to form an LLP with an Indian law firm with the requirement that only one partner is resident in India. |
Currently, many foreign law firms have established alliances with local firms: Clyde & Co’s alliance with ALMT Legal, Allen & Overy’s non-exclusive relationship with Trilegal, Talwar Thakore & Associates’s alliance with Linklaters LLP.\textsuperscript{xxxiv} Clifford Chance’s alliance with AZB & Partners was reported to have ended in January 2011.\textsuperscript{xxxv}

In 2009, the Bombay High Court ruled that the Reserve Bank of India should not have issued licenses to foreign law firms to establish liaison offices in India, and that foreign law firms could practice non-litigious matters in India without complying with the Advocates Act.\textsuperscript{xxxvi} In 2010, an advocate in the Indian state of Tamil Nadu filed a writ petition in the Madras High Court against several foreign law firms for illegally practicing law in India in violation of the Advocates Act. The matter is currently pending before the court.

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<td><strong>Law: rules on contingent fee litigation</strong></td>
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<td><strong>Law: rules on attorney’s fees and other costs in litigation</strong></td>
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incurred for:
(a) giving notice required to be given by law before the institution of the suit;
(b) giving notice which, though not mandatory, has been given to any other party before the institution of the suit;
(c) typing, writing or printing of pleadings;
(d) inspection of the records of the Court;
(e) producing witnesses, even though not summoned through Court; and
(f) in the case of appeals, for obtaining any copies of judgments and decrees which are required to be filed along with the memorandum of appeal.
Following the insertion of Order XX-A in the Code of Civil Procedure, 1908, each High Court may make rules for the award of costs.

One significant cost incurred in litigation is court fees, which varies from one Indian state to another and is often a percentage of the claim amount. As a practical matter, costs awarded by a court may not cover the costs actually incurred.

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<th>Law: rules on discovery</th>
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<td>The only forms of discovery available in India are written interrogatories, inspection of documents, and requests for admissions. Parties alone are subject to discovery. Third-party witnesses need not submit to discovery. Discovery may be directed to admissible evidence only, not material likely to lead to relevant or admissible material, as in the courts of the United States.</td>
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<th>Law: rules on class actions</th>
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| Under Indian consumer protection law, class actions may be brought by registered voluntary associations of consumers or by one or more consumers, where there are numerous consumers having the same interest, with the permission of the consumer court, on behalf of, or for the benefit of, all consumers interested. In cases involving public interest, a writ petition may be filed by a person in a representative capacity, even in cases where he/she does not have any personal interest in the matter:  
- To redress grievances of socially or economically disadvantaged persons  
-Where judicial intervention is necessary for the protection of the sanctity of democratic institutions (e.g. independence of the judiciary);  
-to protect environmental rights  
An amendment proposed to Indian company law seeks to codify rules for class actions. |
Prevalence and prominence of “plaintiff’s bar” and class actions brought on behalf of shareholders or consumers against large companies

India’s Companies Bill 2009 provides for class action suits. However, there is an absence of financial incentives to initiate class actions because India does not allow the lawyers to charge contingent fees. Consequently, plaintiff’s bar is not prevalent in India.

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Section 24, Advocates Act, 1961.


Navoneel, *supra* note 3.


NLSIU website, [http://www.nls.ac.in](http://www.nls.ac.in).

http://www.nalsar.ac.in/academic_programes.html.

Navoneel, *supra* note 3.


*Id.*


Luigi Benetton, *Few Law Firms in India are Outsourcing Work to Canada*, [http://www.legallyindia.com/lawyer/articles/9803a1.htm](http://www.legallyindia.com/lawyer/articles/9803a1.htm).


[http://wiki.answers.com/Q/What_country_in_the_world_has_most_lawyers_per_capita](http://wiki.answers.com/Q/What_country_in_the_world_has_most_lawyers_per_capita).

